

REMARKS

I. General

Claims 1-20 are pending, and all are rejected by the Office Action mailed July 23, 2004. No claims are amended by this response. The issues in the Office Action are as follows:

- The Abstract is objected to.
- Claims 1-3, 6, 13-15, and 17-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication 2001/0049677 (hereinafter, *Talib*) in view of U.S. Publication 2003/0088545 (hereinafter, *Subramaniam*).
- Claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Talib* in view of *Subramaniam* in further view of U.S. Publication 2002/0138487 (hereinafter, *Weiss*).
- Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Talib* in view of *Subramaniam* in further view of U.S. Patent 5,742,816 (hereinafter, *Barr*).
- Claims 7-12 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Talib* in view of *Subramaniam* in further view of U.S. Patent 6,675,159 (hereinafter, *Lin*).

Applicant hereby traverses the outstanding rejections and requests reconsideration and withdrawal in light of the remarks contained herein.

II. Objections to the Abstract

The Abstract is objected to for use of the phrase, “The present invention is directed to...” That phrase has been deleted from the Abstract in order to comply with M.P.E.P. §608.01(b). No new matter is added by this amendment.

III. Rejections Under 35 U.S.C. §103

A. Rejections over Talib in view of Subramaniam

On pages 2-7 of the Office Action, claims 1-3, 6, 13-15, and 17-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Talib* in view of *Subramaniam*. Applicant traverses the rejection.

To establish a prima facie case of obviousness under 35 U.S.C. § 103(a), three basic criteria must be met. First, there must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the applied reference. Second, there must be a reasonable expectation of success. Finally, the applied reference must teach or suggest all the claim limitations. *See* M.P.E.P. § 2143. Without conceding any other criteria, Applicant respectfully asserts that the rejection does not satisfy the third criterion, as discussed further below.

1. Claims 1-3 and 6

Claim 1 recites, in part:

“determining a criterion matching score for said identified documents for each of said established search criteria.”

The combination of *Talib* and *Subramaniam* does not teach or suggest at least the above-recited features of claim 1.

The Office Action cites page 14, paragraphs [0175]-[0176] of *Talib* as teaching the feature; however, that assertion is incorrect. The passage at paragraphs [0175]-[0176] teaches that a numeric score may be assigned to each document retrieved in response to the search query. The passage teaches:

“Having indexed the search query, a simple formula is used to assign a numeric score to every document retrieved in response to the search query. A simple formula, referred to as a "vector inner-product similarity" formula can

assign a weight to a word in the search query and another weight to a word in the document being scored.”

The passage does not teach that the assigning is for each established search criterion, but rather, the passage teaches that the score may be based on a keyword search only. In other words, while the system of *Talib* may search based on taxonomy and keywords, the cited passage teaches scores only for a keyword search criterion. Claim 1, on the other hand, recites establishing search criteria associated with a keyword match and based on a document attribute and determining a criterion matching score for each of those criteria. Therefore, the limited scoring ability of *Talib* is not the same as “determining a criterion matching score for said identified documents for each of said established search criteria,” as recited by claim 1, because the system of *Talib* provides scoring for less than each search criterion. Accordingly, the cited passage of *Talib* does not teach or suggest this feature of claim 1. The Office Action does not rely on *Subramaniam* to teach or suggest the feature. Thus, the cited combination of *Talib* and *Subramaniam* does not teach or suggest this feature of claim 1.

Claim 1 further recites, “associating a scaling factor with each of said established search criteria.” The combination of *Talib* and *Subramaniam* does not teach or suggest this feature.

The Office Action relies on FIGURE 20, item 2020 and page 7, paragraph [0124] from *Subramaniam* to teach the feature; however, *Subramaniam* does not teach the above-recited feature. The cited passage teaches creating a custom result field object. It also teaches an item that it refers to as a “scaling factor” (item 2020 of FIGURE 20) that is a multiplication factor for numeric columns. However, *Subramaniam* does not teach that the numeric column is a search criterion and does not explain how or why a numeric column is multiplied. In fact, the reference does not mention or teach a “scaling factor” or a “numeric column” anywhere else in its text or figures. Therefore, not only does *Subramaniam* fail to teach that the scaling factor is associated with established search criteria, but *Subramaniam* also fails to teach or suggest what the scaling factor is or what it does. Simply mentioning a scaling factor that multiplies a column is not enough to teach “associating a scaling factor with each of said established search criteria,” as recited by claim 1. Accordingly, it appears

that *Subramaniam* does not teach or suggest the above-recited feature of claim 1. The Office Action admits that *Talib* does not teach the feature. Thus, the cited combination of *Talib* and *Subramaniam* does not teach or suggest this feature of claim 1.

Dependent claims 2, 3, and 6 each depend from independent claim 1 and, thus, inherit all of the limitations of independent claim 1. Thus, the combination of *Talib* and *Subramaniam* does not teach or suggest all claim limitations of claims 2, 3, and 6. It is respectfully submitted that dependent claims 2, 3, and 6 are allowable at least because of their dependence from claim 1 for the reasons discussed above. Accordingly, it is respectfully requested that the 35 U.S.C. §103(a) rejection of claims 1-3 and 6 be withdrawn.

2. Claims 13-15

Claim 13 recites, in part, “an adjustment setting for adjusting a weighting of a search criterion of said search criteria defining said at least one document attribute query.” The cited combination does not teach at least this limitation of claim 13.

The Office Action cites FIGURE 20, item 2020 and page 7, paragraph [0124] from *Subramaniam* as teaching the feature. *Subramaniam* does not teach the above-recited feature. The cited passage teaches creating a custom result field object. It also teaches an item that it refers to as a “scaling factor” (item 2020 of FIGURE 20) that is a multiplication factor for numeric columns. However, *Subramaniam* does not explain how or why a numeric column is multiplied, and in fact, does not mention or teach a “scaling factor” or a “numeric column” anywhere else in the disclosure. Therefore, not only does *Subramaniam* fail to teach that the scaling factor is an adjustment setting for adjusting a weighting of a search criterion, but *Subramaniam* also fails to teach or suggest what the scaling factor is or what it does. Simply mentioning a scaling factor that multiplies a column is not enough to teach “an adjustment setting for adjusting a weighting of a search criterion of said search criteria defining said at least one document attribute query,” as recited by claim 13. Accordingly, it appears that *Subramaniam* does not teach or suggest the above-recited feature of claim 13. The Office Action admits that *Talib* does not teach or suggest the feature. Therefore, the cited combination of *Talib* and *Subramaniam* does not teach or suggest the above-recited feature.

Dependent claims 14 and 15 each depend from independent claim 13 and, thus, inherit all of the limitations of independent claim 13. Thus, the combination of *Talib* and *Subramaniam* does not teach or suggest all claim limitations of claims 14 and 15. It is respectfully submitted that dependent claims 14 and 15 are allowable at least because of their dependence from claim 13 for the reasons discussed above. Accordingly, it is respectfully requested that the 35 U.S.C. §103(a) rejection of claims 13-15 be withdrawn.

3. Claims 17-20

Claim 17 recites, in part, “means for adjusting an importance of said at least one established document attribute search query relative to a keyword match query.” The combination of *Talib* and *Subramaniam* does not teach or suggest this feature of claim 17.

Not one of the cited passages from *Talib* teach or suggest the above-recited feature. For example, while the passage at paragraphs [0175]-[0176] teaches that a numeric score may be assigned to each document retrieved in response to the search query, that passage does not teach the recited feature. The passage teaches:

“Having indexed the search query, a simple formula is used to assign a numeric score to every document retrieved in response to the search query. A simple formula, referred to as a "vector inner-product similarity" formula can assign a weight to a word in the search query and another weight to a word in the document being scored.”

The passage does not teach that the assigning is for adjusting an importance of one search query relative to another search query, but rather, the passage teaches that the score may be based on the results of a keyword search. In other words, while the system of *Talib* may search based on keywords and may assign scores to the documents based on those results, the cited passage does not teach the importance of the keyword query relative to the importance of another query, such a query based on taxonomy. Therefore, that limited scoring ability is not the same as “means for adjusting an importance of said at least one established document attribute search query relative to a keyword match query,” as recited by claim 17, because the system of *Talib*, described in the cited passages, does not teach a

relative importance of the keyword search. Accordingly, *Talib* does not teach or suggest this feature of claim 17.

Further, the cited passages of *Subramaniam* do not teach or suggest the above-recited feature of claim 17. For example, *Subramaniam* teaches creating a custom result field object at paragraph [0124]. The cited passage also teaches a scaling factor (item 2020 of FIGURE 20) that is a multiplication factor for numeric columns. However, *Subramaniam* does not explain how or why a numeric column is multiplied, and in fact, does not mention or teach a “scaling factor” or a “numeric column” anywhere else in the disclosure. Therefore, not only does *Subramaniam* fail to teach that the scaling factor adjusts an importance of one search query relative to another, but *Subramaniam* also fails to teach or suggest what the scaling factor is or what it does. Simply mentioning a scaling factor that may be used to multiply a column is not enough to teach “means for adjusting an importance of said at least one established document attribute search query relative to a keyword match query,” as recited by claim 17. Accordingly, it appears that *Subramaniam* does not teach or suggest the above-recited feature of claim 17. Thus, the cited combination of *Talib* and *Subramaniam* does not teach or suggest this feature of claim 17.

Dependent claims 18-20 each depend from independent claim 17 and, thus, inherit all of the limitations of independent claim 17. Thus, the combination of *Talib* and *Subramaniam* does not teach or suggest all claim limitations of claims 18-20. It is respectfully submitted that dependent claims 18-20 are allowable at least because of their dependence from claim 17 for the reasons discussed above. Accordingly, it is respectfully requested that the 35 U.S.C. §103(a) rejection of claims 17-20 be withdrawn.

B. Rejections over *Talib* in view of *Subramaniam* in further view of *Weiss*

On pages 7-8 of the Office Action, claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Talib* in view of *Subramaniam* in further view of *Weiss*. Applicant traverses the rejection.

Dependent claim 4 depends from independent claim 1 and, thus, inherits all of the limitations of independent claim 1. Thus, the combination of *Talib* and *Subramaniam* does

not teach or suggest all claim limitations of claim 4. The Office Action does not offer *Weiss* to teach or suggest the missing features. Therefore, the cited combination of *Talib*, *Subramaniam*, and *Weiss* does not teach or suggest each and every feature of claim 4. It is respectfully submitted that dependent claim 4 is allowable at least because of its dependence from claim 1 for the reasons discussed above. Accordingly, it is respectfully requested that the 35 U.S.C. §103(a) rejection of claim 4 be withdrawn.

C. Rejections over Talib in view of Subramaniam in further view of Barr

On pages 8-9 of the Office Action, claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Talib* in view of *Subramaniam* in further view of *Barr*. Applicant traverses the rejection.

Dependent claim 5 depends from independent claim 1 and, thus, inherits all of the limitations of independent claim 1. Thus, the combination of *Talib* and *Subramaniam* does not teach or suggest all claim limitations of claim 5. The Office Action does not offer *Barr* to teach or suggest the missing features. Therefore, the cited combination of *Talib*, *Subramaniam*, and *Barr* does not teach or suggest each and every feature of claim 5. It is respectfully submitted that dependent claim 5 is allowable at least because of its dependence from claim 1 for the reasons discussed above. Accordingly, it is respectfully requested that the 35 U.S.C. §103(a) rejection of claim 5 be withdrawn.

D. Rejections over Talib in view of Subramaniam in further view of Lin

On pages 9-12 of the Office Action, claims 7-12 and 16 rejected under 35 U.S.C. §103(a) as being unpatentable over *Talib* in view of *Subramaniam* in further view of *Lin*. Applicant traverses the rejection.

Dependent claims 7-12 and 16 each depend from respective independent claims 1 or 13 and, thus, inherit all of the limitations of the respective independent claims. Thus, the combination of *Talib* and *Subramaniam* does not teach or suggest all claim limitations of claims 7-12 and 16. The Office Action does not offer *Lin* to teach or suggest the missing features. Therefore, the cited combination of *Talib*, *Subramaniam*, and *Lin* does not teach or suggest each and every feature of claims 7-12 and 16. It is respectfully submitted that

dependent claims 7-12 and 16 are allowable at least because of their dependence from claims 1 or 13 for the reasons discussed above. Accordingly, it is respectfully requested that the 35 U.S.C. §103(a) rejection of claims 7-12 and 16 be withdrawn.

IV. Conclusion

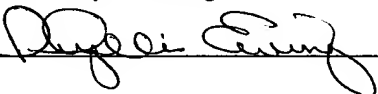
In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-2025, under Order No. 10005531-1 from which the undersigned is authorized to draw.

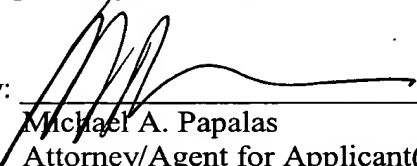
I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Label No. EV 375345799 US in an envelope addressed to: MS Amendment, Commissioner for Patents, Alexandria, VA 22313-1450.

Date of Deposit: October 22, 2004

Typed Name: Phyllis Ewing

Signature: 

Respectfully submitted,

By: 
Michael A. Papalas
Attorney/Agent for Applicant(s)
Reg. No. 40,381

Date: October 22, 2004

Telephone No. (214) 855-8186